

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

GLENN W. MYERS, #1795583

§

VS.

§

CIVIL ACTION NO. 2:15cv1333

DIRECTOR, TDCJ-CID

§

MEMORANDUM OPINION ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

Petitioner Glenn W. Myers, an inmate confined with the Texas Department of Criminal Justice, proceeding *pro se*, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254 alleging the illegality of his conviction. The cause of action was referred for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

After a review of the pleadings, the Magistrate Judge issued a Report, (Dkt. #8), recommending that Myer's petition be dismissed with prejudice as time-barred. The Magistrate Judge also recommended that a certificate of appealability be denied. A copy of this Report was mailed to Myer at his address, return receipt requested. The docket demonstrates that Myers received a copy of the Report on June 9, 2017. (Dkt. #9). However, to date, no objections to the Report have been received.

Accordingly, Myers is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).


The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly it is

ORDERED that the Report of the Magistrate Judge, (Dkt. #8), is **ADOPTED** as the opinion of the Court. Moreover, it is

ORDERED that the above-styled civil action is **DISMISSED** with prejudice. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 14th day of May, 2018.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE